

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:)	
)	
CRYSTAL DAWN TURNER)	CASE NO. 10-81357
JOHN BRONA TURNER, III)	CHAPTER 13
DEBTORS)	

OBJECTION TO CONFIRMATION

COMES NOW, Wells Fargo Bank, NA (hereinafter “Creditor”), a secured creditor in the above captioned case, by and through undersigned counsel, Brock & Scott, PLLC, and hereby objects to the treatment of Creditor’s lien per the terms of the proposed plan filed by Debtors on August 16, 2010. The Objection is supported as follows:

1. On July 30, 2010, the Debtor filed a petition with the Bankruptcy Court for the Middle District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. This Court has jurisdiction over this proceeding pursuant to 28 USC §§ 1334 and 157.
3. Creditor holds a first position lien on real property (hereinafter “Collateral”) described in that Deed of Trust recorded in the Person County Register of Deeds at Book 446 at Page 52 and recorded on August 1, 2003 (hereinafter “Deed of Trust”) with an address of 134 Virgie Wilkerson Road, Timberlake NC 27583. A copy of the Deed of Trust is attached hereto and is incorporated herein as Exhibit “A”.
4. Creditor holds a Promissory Note secured by the Deed of Trust from the Debtor in the original principal amount of \$106,450.00 and dated July 31, 2003 (hereinafter “Note”). A copy of the Note is attached hereto and incorporated herein as Exhibit “B”.
5. The Debtors proposed plan under “4. Real Property and Personal Property Partially Secured Claims,” states their intention to grant Creditor a secured claim in the amount of \$57,372.00 and treat the balance of the claim as unsecured.

WHEREFORE, Wells Fargo Bank, NA prays the Court grant the following relief:

1. Set this matter for hearing; and.
2. Require Debtors’ Plan be modified to provide for Creditor as fully secured.
3. For such other and further relief that the Court may deem necessary and proper.

This 12th day of October, 2010.

Brock and Scott, PLLC

/s/ Sean M. Corcoran

Sean M. Corcoran

Attorney for Movant

Brock & Scott, PLLC

5121 Parkway Plaza Drive, Suite 300

Charlotte, NC 28217

(704) 369-0676

State Bar Number 33387

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he/she is over eighteen (18) years of age and that the OBJECTION TO CONFIRMATION in the above captioned case were this day served upon the below named persons by mailing, postage prepaid, first class mail a copy of such instrument to each person(s), parties, and/or counsel at the addresses shown below:

Crystal Dawn Turner
John Brona Turner, III
134 Virgie Wilkerson Road
Timberlake, NC 27583

Mr. John T. Orcutt
Via electronic notice

Mr. Richard M. Hutson, II
Via electronic notice

This 12th day of October, 2010.

Brock and Scott, PLLC

/s/ Sean M. Corcoran
Sean M. Corcoran
Attorney for Movant
Brock & Scott, PLLC
5121 Parkway Plaza Drive, Suite 300
Charlotte, NC 28217
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